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8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

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11 WILLIAM MCKINNEY,

12 Plaintiff,

13 v.

14 ROMEO ARANAS, *et al.*,

15 Defendants.

Case No. 2:12-CV-00401-KJD-GWF

**ORDER**

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17 Before the Court is Defendants' Motion to Dismiss for Failure to Comply with Court's Order  
18 (#19). Plaintiff filed Motions to Extend Time Regarding Dispositive Matter (#22) and Leave to File  
19 (#23) which the Court construes as opposition to Defendants' Motion. Defendants responded to  
20 Plaintiff's Motions (#24 and 25), which the Court construes as replies.

21 Defendants petition the Court to dismiss Plaintiff's claim for failure to timely pay the \$67.87  
22 partial filing fee, supplying no legal basis for this petition other than the Court's inherent discretion.  
23 However, "[c]ases should be decided upon their merits whenever reasonably possible." Eitel v.  
24 McCool, 782 F.2d 1470, 1472 (9th Cir. 1986). Accordingly, the Court declines to exercise its  
25 discretion to dismiss Plaintiff's claim on this ground at this time.

26

The Court encourages all parties to refamiliarize themselves with their duties under Rule 11 of the Federal Rules of Civil Procedure.

In summary, Defendants' Motion to Dismiss for Failure to Comply with Court's Order (#19) is **DENIED**. Further, Plaintiff's Motions to Extend Time Regarding Dispositive Matter (#22) and Leave to File (#23) which the Court has construed as oppositions to Defendants' Motion are **HEREBY DENIED** as moot.

DATED this 16th day of September 2013.

*Kenai D.*

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Kent J. Dawson  
United States District Judge